



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4219

Introduced 12/2/2005, by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

510 ILCS 5/26

from Ch. 8, par. 376

Amends the Animal Control Act. Provides that if any dog (now, certain vicious dogs), (1) inflicts serious physical injury upon any person other than the owner or causes the death of another person; and (2) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be; the owner of the dog is absolutely liable and shall be guilty of a Class 4 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure, then the owner shall be guilty of a Class 3 felony. Provides that if any dog (now, certain dangerous dogs) inflicts serious physical injury on a companion animal the owner of the dog shall be guilty of a Class A misdemeanor.

LRB094 15509 RSP 50708 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Animal Control Act is amended by changing  
5 Section 26 as follows:

6 (510 ILCS 5/26) (from Ch. 8, par. 376)

7 Sec. 26. (a) Any person violating or aiding in or abetting  
8 the violation of any provision of this Act, or counterfeiting  
9 or forging any certificate, permit, or tag, or making any  
10 misrepresentation in regard to any matter prescribed by this  
11 Act, or resisting, obstructing, or impeding the Administrator  
12 or any authorized officer in enforcing this Act, or refusing to  
13 produce for inoculation any dog in his possession, or who  
14 removes a tag from a dog for purposes of destroying or  
15 concealing its identity, is guilty of a Class C misdemeanor for  
16 a first offense and for a subsequent offense, is guilty of a  
17 Class B misdemeanor.

18 Each day a person fails to comply constitutes a separate  
19 offense. Each State's Attorney to whom the Administrator  
20 reports any violation of this Act shall cause appropriate  
21 proceedings to be instituted in the proper courts without delay  
22 and to be prosecuted in the manner provided by law.

23 (b) If any ~~the owner of a vicious dog subject to enclosure:~~

24 ~~(1) fails to maintain or keep the dog in an enclosure~~  
25 ~~or fails to spay or neuter the dog within the time period~~  
26 ~~prescribed; and~~

27 (1) ~~(2) the dog~~ inflicts serious physical injury upon  
28 any ~~other~~ person other than the owner or causes the death  
29 of another person; and

30 (2) ~~(3)~~ the attack is unprovoked in a place where such  
31 person is peaceably conducting himself or herself and where  
32 such person may lawfully be;

1 the owner of the dog is absolutely liable and shall be guilty  
2 of a Class 4 felony, unless the owner knowingly allowed the dog  
3 to run at large or failed to take steps to keep the dog in an  
4 enclosure, then the owner shall be guilty of a Class 3 felony.  
5 The penalty provided in this paragraph shall be in addition to  
6 any other criminal or civil sanction provided by law.

7 (c) If any ~~the owner of a dangerous dog knowingly fails to~~  
8 ~~comply with any order regarding the dog and the~~ dog inflicts  
9 serious physical injury on a ~~person or a~~ companion animal, the  
10 owner of the dog shall be guilty of a Class A misdemeanor. ~~If~~  
11 ~~the owner of a dangerous dog knowingly fails to comply with any~~  
12 ~~order regarding the dog and the dog kills a person the owner~~  
13 ~~shall be guilty of a Class 4 felony.~~

14 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)